

REMARKS

In a final office action dated April 21, 2005, the Examiner objected to alleged new matter introduced by applicant's previous amendment; rejected claims 1, 4-5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Among et al. (U.S. Patent Pub 2003/0110063); and rejected claims 2-3 and 6 under 35 U.S.C. 103(a) as being unpatentable over *Among* in view of Pugliese III, et al. (U.S. Patent Pub 2001/0016825). Claims 8-17 are apparently allowable.¹

Applicant has cancelled claims 1-7, i.e., the only claims to which the Examiner has stated any grounds of rejection. The remaining claims, claims 8-17, were not rejected in the final office action, and are apparently allowable.

In view of the foregoing, applicant submits that the claims are now in condition for allowance and respectfully requests reconsideration and allowance of all claims. In addition, the

¹ The office action did not contain an explicit statement of allowability of claims 8-17. However, the only new matter objected to (the phrases "tangible merchandise" and "per-unit price") was contained in claims 1-7, and not claims 8-17. The prior art rejections pertain only to claims 1-7. Moreover, the previous office action contained an indication that claims 8-17 would be allowable provided that a statutory subject matter rejection could be overcome, as it apparently has. Applicant therefore assumes that claims 8-17 are deemed allowable.

Examiner is encouraged to contact applicant's attorney by telephone if there are outstanding issues left to be resolved to place this case in condition for allowance.

Respectfully submitted,
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Docket No.: ROC920000268US1
Serial No.: 09/772,261